

TTAB

TRADEMARK  
BBB 10.5P-124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BED BATH & BEYOND  
PROCUREMENT CO. INC.,

Petitioner,

v.

KE HUANG,

Registrant.

: Registration No. 2,592,449 / 75 950336

: Mark: &

: Registration Date: July 9, 2002

: Cancellation No. \_\_\_\_\_

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

03/30/2006 GTHOMAS2 00000018 121095 2592449  
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PETITION TO CANCEL

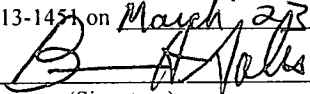
Sir:

Petitioner, Bed Bath & Beyond Procurement Co. Inc. ("Petitioner"), requests cancellation of the above-identified registration. The basis for cancellation is set forth below.

1. Petitioner is a New York corporation having a place of business at 110 Bi-County Blvd., Farmingdale, NY United States, 11735.

2. Petitioner is the owner of United States Trademark Application Serial No. 78/817361 for the mark AMPERSAND for JEWELRY BOXES NOT MADE OF METAL; PICTURE FRAMES; CLOTHES VALET; AND PILLOWS in Class 020; DINNERWARE NAMELY PLATES, PLATTERS, BOWLS AND PITCHERS; BEVERAGEWARE NAMELY GLASSES,

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on March 23, 2006

  
(Signature)

Bruce H. Sales  
(Typed or Printed Name of Person Signing Certificate)



03-27-2006  
U.S. Patent & TMO/TM Mail Rcpt Dt. #25

CUPS AND MUGS; BARWARE NAMELY COASTERS MADE OF PLASTIC, COCKTAIL PICKS, WINE BOTTLE OPENERS; COCKTAIL SHAKERS, ICE BUCKETS, FLASKS, WINE BUCKETS AND SERVING TRAYS NOT MADE OF PRECIOUS METAL; AND NONMETAL, DECORATIVE BOXES in Class 021; and BEDDING NAMELY SHEETS, DUVETS, COMFORTERS, BLANKETS, MATTRESS PADS, QUILTS AND THROWS; WINDOW TREATMENTS NAMELY CURTAINS, DRAPERY, VALANCES AND SWAGS, WINDOW HARDWARE NAMELY CURTAIN RODS, CURTAIN HOOKS, CURTAIN BRACKETS AND FINIALS; WINDOW BLINDS; AND WINDOW SHADES in Class 024.

3. Upon information and belief, Respondent, Ke Huang ("Respondent"), is an individual having a residence at 129 S. California Street, #K, San Gabriel, CA 91776.

4. Upon information and belief, Respondent is the owner of record of Registration No. 2,592,449 for the mark & for CERAMIC POTTERY MADE FROM POTTERS' CLAY USED IN THE FIRING PROCESS, NAMELY, VASES, PLATES AND BOWLS in Class 021.

5. Petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel the same.

6. Petitioner believes that Petitioner's trademark AMPERSAND, which is the subject of Serial No. 78/817,361, will be denied registration based upon Respondent's Registration No. 2,592,449.

7. Upon information and belief, Petitioner believes Registrant has abandoned the above-identified registration and that, therefore, cancellation is appropriate pursuant to 15 U.S.C. § 1064(3).

8. This petition to cancel is submitted with a duplicate original.

9. In connection with this petition to cancel, please charge deposit account no. 12-1095.

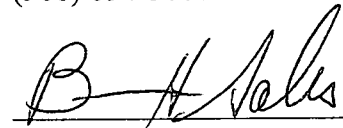
WHEREFORE, Petitioner prays that Registration No. 2,592,449 now owned by Ke Huang be cancelled.

Respectfully submitted,

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KRUMHOLZ & MENTLIK, LLP  
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Westfield, New Jersey 07090  
(908) 654-5000

Dated: March 23, 2006

By:

  
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BRUCE H. SALES

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